

Minneapolis City Planning Department Report

Conditional Use Permit for the use, Driveway Width Variance, 3 setback Variances, Lot Coverage Variance, Site Plan Review and an Alley Vacation
BZZ-971

Date: February 24, 2003

Applicant: David Crockett

Address of Property: 1725 3rd Avenue South and 1728 Clinton Avenue South

Project Name: Clinton Avenue Condominiums

Date Application Deemed Complete: December 9, 2002

End of 60 Day Decision Period: February 7, 2003

End of 120 Day Decision Period: April 8, 2003

Applicant has Waived 60 Day Requirement: No

Contact Person and Phone: Link Wilson with Miller Hanson Partners, (612) 332-5420

Planning Staff and Phone: Hilary Watson (612) 673-2639

Ward: 6 **Neighborhood Organization:** Stevens Square Community Organization

Existing Zoning: OR3

Proposed Use: Construction of a 22-unit condominium building

Concurrent Review

Conditional Use Permit: for a 22-unit condominium development.

Variance: to reduce the width of the drive aisle from the required 22 feet to a width ranging between 14 and 19 feet (please note that this was originally noticed for 17 feet).

Variance: to reduce the front yard setback along 3rd Avenue South from the required 15 feet to 4.5 feet (please note that this was originally noticed for 0 feet) to allow for bay windows that expand the upper three floors of the building to be constructed and to 7 feet (please note that this was originally noticed for 3 feet) to allow for the remaining portion of the building to be constructed.

Variance: to reduce the corner side yard setback along East 18th Street from the required 14 feet to zero feet (please note that this was originally noticed for 1-foot) to allow for bay windows that expand the upper three floors of the building to be constructed and to 1-foot 6-inches to allow for the remaining portion of the building to be constructed.

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Variance: to reduce the north interior side yard setback from the required 11 feet to 2 feet 6 inches (please note that this was originally noticed for 1-foot) to allow for four stairwells and seven ground-level patios to be constructed and to 7 feet to allow for the remaining portion of the building to be constructed.

Variance: to increase the lot coverage requirement from the permitted 70 percent to 75 percent (please note that this was originally noticed for 77.8 percent).

Major Site Plan Review

Vacation: to vacate the “L” shaped alley in Block 12, Jackson, Daniels & Whitney’s Addition, bounded by East 17th Street, East 18th Street and Clinton Avenue South, Minneapolis, MN.

Previous Actions: None that are relevant to this development.

Background: The proposed development is located in the Stevens Square Neighborhood. The site is located on the north side of East 18th Street between Third Avenue South and Clinton Avenue (please see the attached location map). Located on the same block as the proposed development are three multiple-family developments. One of these developments is owner-occupied whereas the remaining two developments are rental.

The site is currently being used by the neighborhood as a community garden. The proposed development involves the construction of a four-story, 22-unit condominium building with one level of enclosed parking below the building. Some of the units within the building will be affordable. The site has difficult soil conditions. The entire site consists of back fill from the Minnesota Department of Transportation Interstate work in the 1950's. Because of the soil conditions it forces anyone who would build a structure on the site to use geo-pier construction rather than traditional spread footings or even pile construction. The latter type of construction could potentially damage the sewer lines that were built underneath the site. This poses a hardship for the property to be developed.

Based on an allowable density of 300 square feet of lot area per dwelling unit, the maximum number of units allowed on this site is 45 units. The applicant is proposing 22 units. The parking requirement for this development is 22 parking stalls. The applicant is providing a total of 22 parking stalls in one level of enclosed parking below the building. The height of multiple-family buildings in the OR3 zoning district cannot exceed six stories. The applicant is building a four-story building.

On the east side of this property there is an access shaft that leads to a storm sewer line that is located 60 feet below the property. Because of the storm sewer line and the access shaft, the eastern 30 feet of the property is non-developable as the Minnesota Department of Transportation has an easement over it.

One of the applications associated with this development is a petition to vacate the “L” shaped alley that connects Third Avenue South to East 18th Street (please see the attached vacation map). The applicant is proposing to vacate the alley but maintain it for the other three adjacent properties located to the north of the site that currently utilize the alley. The proposed development will span over the alley but will provide enough clearance below it to allow for fire truck access.

Neighborhood Review: The applicant has met with the Stevens Square Community Organization. Generally, the neighborhood feels that the project is “too big” for the site and that the applicant should

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consider reducing the size of the building by moving it further from the property lines (please see the attached e-mails from Doug Kress from the Stevens Square Community Organization).

CONDITIONAL USE PERMIT

Findings as Required by the Minneapolis Zoning Code for the Conditional Use Permit for the Use – Multiple-Family Housing Development:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The Planning Department does not believe that 22 units of for-sale condominiums should be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

According to the 2000 Census, approximately 93 percent of the dwellings in the Stevens Square neighborhood are rental. This project will add a stabilizing element to the neighborhood as all 22 of the units will be owner occupied thus strengthening the owner-occupied base within the neighborhood.

On the same block as the proposed development are three other multiple-family developments. This development will compliment those as well as the rest of the developments in the neighborhood in both scale and character (please see the attached photos of the surrounding buildings). This development is proposed to be a four-story building. The exterior materials being used on the building include rock-face masonry along the base and a combination of brick and hardi-panel siding on the upper four floors. There are entrances and exits at street level and there are large windows on all levels of the building.

The adjacent property owners to the north that fronts on Clinton Avenue South has expressed concern about the size and height of the building. The adjacent property owners would like the applicant to reduce the size of the building by moving it further from its north interior property line in order to allow for more light on their property. The applicant has indicated that if the footprint of the building gets smaller that the height of the building will have to increase in order to accommodate for the same number of units in the building. Staff believes that if the building gets taller that it would produce similar if not greater shadowing on the adjacent property thus limiting the amount of light to the adjacent property even more.

Staff believes that because this development will strengthen the owner-occupied base in the neighborhood, that the development compliments other developments in the neighborhood and that the shadowing of the adjacent property would be greater if the footprint of the building was made smaller

and the height of the building made taller that the development should not be injurious to the use and enjoyment of other property in the area nor should it impede on possible future development.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The applicant will be working closely with the Public Works Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The parking requirement for the development is 22 parking spaces. The applicant is providing a total of 22 parking stalls in one level of enclosed parking below the building. The parking area is accessed off of Clinton Avenue South.

5. Is consistent with the applicable policies of the comprehensive plan.

This site is located in a medium and high-density residential area. The site is located one block north of Franklin Avenue, which in this area of the city, is designated as a community corridor.

In the Marketplaces: Neighborhoods chapter found in *The Minneapolis Plan*, Policy 4.9 states that “Minneapolis will implement its adopted Housing Principles and the Housing Impact Measures through community-based strategies directing future housing development.”

In the Marketplaces: Neighborhoods chapter found in *The Minneapolis Plan*, Policy 4.10 states that “Minneapolis will reasonably accommodate the housing needs of all of its citizens.”

This development will be providing 22 units of for-sale condominiums in a neighborhood that has a rental rate of approximately 93 percent. Of the units in the building, 2 of the units will be sold at 68 percent metropolitan median income level, 5 of the units will be sold at 77 percent metropolitan median income level, 4 units will be sold at 78 percent metropolitan median income level, 2 of the units will be sold at 79 percent metropolitan median income level, 5 of the units will be sold at 86 percent metropolitan median income level, 2 of the units will be sold at 96 percent metropolitan median income level and the remaining 1 unit will be sold at 100 percent metropolitan median income level.

Community corridors, as described in *The Minneapolis Plan*, are streets that support new residential development at medium density and increased housing diversity in the neighborhoods. Design and development along these streets is oriented towards the pedestrian experience. These streets carry high volumes of traffic. These streets are also important identifiers and travel routes for neighborhood residents and pass-through traffic.

Although this site is located two blocks north of Franklin Avenue the development provides many qualities of a project one would be looking for within such close proximity to a community corridor.

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The development is providing 22 units of housing on a relatively small lot, the building is located at the property line and is enclosing all of its parking which keeps the focus of the project on the pedestrian and not the automobile.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permit, the driveway width variance, the 3 setback variances, the lot coverage variance, site plan review and the alley vacation this development will meet the requirements of the OR3 zoning district.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the Conditional Use Permit application for the 22-unit condominium building located at 1725 3rd Avenue South and 1728 Clinton Avenue South subject to the following conditions:

1. There shall be no more than 22 units located within the building.

VARIANCE - To reduce the width of the drive aisle from the required 22 feet to a width ranging between 14 and 19 feet.

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. **The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Driveway width: The applicant is seeking a variance to reduce the width of the drive aisle from the required 22 feet to a width ranging between 14 and 19 feet. The applicant has indicated that of the 22 parking spaces within the garage three vehicles will have to maneuver into and out of a parking space that is adjacent to a drive aisle that is 14 feet wide. The remaining 19 vehicles will have to maneuver into and out of a parking space that is adjacent to a drive aisle that is 19 feet wide. The applicant has indicated that the lot is only 50 feet wide and that in order to accommodate all of the required parking spaces and allow for emergency egress stairwells that the width of the drive aisle needed to be reduced. The Minneapolis Public Works Department - Transportation Division has reviewed the parking level layout for the development and has deemed it acceptable.

2. **The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Driveway Width: The need to accommodate all of the required parking spaces within the garage as well as the emergency egress stairwells are unique conditions of this parcel of land.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Driveway width: Staff believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance. The Minneapolis Public Works Department – Transportation Division has approved the proposed parking layout. As long as the three vehicles that will have to maneuver into and out of the parking spaces that are adjacent to the portion of the drive aisle that is 14 feet wide are compact vehicles there should be no conflict with getting into or out of the parking garage. In addition, this variance will not have any implications on adjacent properties or residents of the Stevens Square neighborhood.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Driveway width: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed reduction to the required driveway width be detrimental to welfare or public safety.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the width of the drive aisle from the required 22 feet to a width ranging between 14 and 19 feet subject to the following conditions:

1. The three parking spaces that are adjacent to the portion of the drive aisle that is 14 feet wide shall be posted as compact parking spaces.

VARIANCE - To reduce the front yard setback along 3rd Avenue South from the required 15 feet to 4.5 feet to allow for bay windows that expand the upper three floors of the building to be constructed and to 7 feet to allow for the remaining portion of the building to be constructed.

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Front yard setback off of Third Avenue South: The applicant is seeking a variance to reduce the front yard setback along 3rd Avenue South from the required 15 feet to 4.5 to allow for bay windows that expand the upper three floors of the building to be constructed and to 7 feet to allow for the remaining portion of the building to be constructed. The applicant has indicated that the building was designed to

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be compatible with the majority of the buildings in the neighborhood. The dominant building type in the neighborhood are three-and-a-half story brick buildings that are located close to the property lines.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Front yard setback off of Third Avenue South: Although the desire to be compatible with the setbacks of the adjacent buildings is not a unique characteristic of the site; not being able to replicate characteristics of adjacent buildings has been seen as a hardship.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Front yard setback off of Third Avenue South: Staff believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance as the setback of the proposed development will be compatible with surrounding buildings. Please note that the other three buildings located at the corner of Third Avenue South and East 18th Street are located at the front property line along Third Avenue South.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Front yard setback off of Third Avenue South: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the front yard setback along 3rd Avenue South from the required 15 feet to 4.5 feet to allow for bay windows that expand the upper three floors of the building to be constructed and to 7 feet to allow for the remaining portion of the building to be constructed.

VARIANCE - To reduce the corner side yard setback along East 18th Street from the required 14 feet to zero feet to allow for bay windows that expand the upper three floors of the building to be constructed and to 1-foot 6-inches to allow for the remaining portion of the building to be constructed.

Findings as Required by the Minneapolis Zoning Code for the Variance:

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1. **The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Corner side yard setback: The applicant is seeking a variance to reduce the corner side yard setback along East 18th Street from the required 14 feet to zero feet to allow for bay windows that expand the upper three floors of the building to be constructed and to 1-foot 6-inches to allow for the remaining portion of the building to be constructed. The applicant has indicated that the building was designed to be compatible with the majority of the buildings in the neighborhood. The dominant building type in the neighborhood are three-and-a-half story brick buildings that are located close to the property lines.

2. **The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Corner side yard setback: Although the desire to be compatible with the setbacks of the adjacent buildings is not a unique characteristic of the site; not being able to replicate characteristics of adjacent buildings has been seen as a hardship.

3. **The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Corner side yard setback: Staff believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance as the setback of the proposed development will be compatible with surrounding buildings. Please note that the buildings located at 1728 Third Avenue South and 326 East 18th Street are both located at the property line along East 18th Street. Building the proposed development up to the property line along East 18th Street will maintain the building wall from block to block.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Corner side yard setback: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the corner side yard setback along East 18th Street from the required 14 feet to zero feet to allow for bay windows that expand the upper three floors of the building to be constructed and to 1-foot 6-inches to allow for the remaining portion of the building to be constructed.

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VARIANCE - To reduce the north interior side yard setback from the required 11 feet to 2 feet 6 inches to allow for four stairwells and seven ground-level patios to be constructed and to 7 feet to allow for the remaining portion of the building to be constructed.

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

North interior side yard setback: The applicant is seeking a variance to reduce the north interior side yard setback from the required 11 feet to 2 feet 6 inches to allow for four stairwells and seven ground-level patios to be constructed and to 7 feet to allow for the remaining portion of the building to be constructed. The applicant has indicated that the building was designed to be compatible with the majority of the buildings in the neighborhood. The dominant building type in the neighborhood are three-and-a-half story brick buildings that are located close to the property lines.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

North interior side yard setback: Although the desire to be compatible with the setbacks of the adjacent buildings is not a unique characteristic of the site; not being able to replicate characteristics of adjacent buildings has been seen as a hardship.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

North interior side yard setback: Staff believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance as the setback of the proposed development will be compatible with surrounding buildings. Please note that the building located at 1721 Third Avenue South is located 6 feet from its south interior property line and the building located at 1718 Clinton Avenue South is located 11 feet from its south interior property line.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

North interior side yard setback: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

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The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the north interior side yard setback from the required 11 feet to 2 feet 6 inches to allow for four stairwells and seven ground-level patios to be constructed and to 7 feet to allow for the remaining portion of the building to be constructed.

VARIANCE - To increase the lot coverage requirement from the permitted 70 percent to 75 percent.

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Lot coverage: The applicant is seeking a variance to increase the lot coverage requirement from the permitted 70 percent to 75 percent. The applicant has indicated that the lot is only 50 feet wide and that in order to accommodate all of the required parking spaces in the one level of enclosed parking below the building that the footprint of the building cannot change. The applicant has also indicated that the building was designed to be compatible with the majority of the buildings in the neighborhood. The dominant building type in the neighborhood are three-and-a-half story brick buildings that occupy the majority of the lots that they are situated upon.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Lot coverage: The need to accommodate all of the required parking spaces within the garage is a unique condition of this parcel of land. And although the desire to replicate the scale of the adjacent buildings is not a unique characteristic of the site; not being able to replicate characteristics of adjacent buildings has been seen as a hardship.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Lot coverage: Staff believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance. The building is surrounded by dense landscaped planting areas that will help mitigate the impacts of surface run-off. In addition, there are several buildings in the surrounding neighborhood that occupy the majority of their lot.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

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Lot coverage: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed lot coverage be detrimental to welfare or public safety.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the lot coverage requirement from the permitted 70 percent to 75 percent.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review.
(See Section A Below for Evaluation.)
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
 - Residential uses shall be subject to section 530.110 (b) (1).
 - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the

appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

PLANNING DEPARTMENT RESPONSE

- This development reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access. The building is set close to the property lines, there are entrances and exits at street level that can be accessed by residents and guests and there are large windows that people can see into and out of along all levels of the building.
- This development is located in the OR3 zoning district. The setback off of Third Avenue South is determined by the established setback of the adjacent residential building to the north or as in this case 15 feet. The applicant is asking for a variance to reduce this setback to between 4 and 7 feet. The setback off of East 18th Street is established by the Minneapolis Zoning Code or as in this case 14 feet. The applicant is asking for a variance to reduce this setback to between 1-foot 6-inches and 0 feet. The setback off of Clinton Avenue South is established by the Minneapolis Zoning Code or as in this case 15 feet. Because of the storm sewer line and the access shaft on the east side of the property, the applicant is proposing to locate the building approximately 41 feet back from the property line along Clinton Avenue South.
- The applicant is proposing to have landscaping between the building and the Third Avenue South, East 18th Street and Clinton Avenue South property lines (please see the attached landscaping plan).
- There are principal entrances for the individual first floor condominiums located off of East 18th Street (please see the attached building elevations). These entrances are located 6 feet from the property line. There are also principal building entrances located on both the east and west sides of the building. The entrance on the east side of the building is located 41 feet from the property line and the entrance on the west side of the building is located 7 feet from the property line.
- All of the required parking for this development is located in one level of enclosed parking below the building.
- This development is proposed to be a four-story building. The exterior materials being used on the building include rock-face masonry along the base and a combination of brick and hardi-panel siding on the upper four floors. There are entrances and exists at street level and there are large windows on all levels of the building.
- The walls of the building have been broken up into smaller sections through the use of varying rooflines, bay windows that expand the upper three floors of the building, decorative railings around the balconies and architectural detailing over the entrances.
- The sides and back of the building are compatible with the front of the building.
- Plain face block will not be visible from the street.
- The percentage of windows required for the first floor of the three sides of the building that face a public street is 20 percent. According to the submitted drawings, the Third Avenue side of the building has approximately 30 percent windows located along the first floor, the East 18th Street side of the building has approximately 35 percent windows located along the first floor and the Clinton Avenue South side of the building has approximately 22 percent windows located along the first floor.
- The parking requirement for the development is 22 parking spaces. The applicant is providing a total of 22 parking stalls in one level of enclosed parking below the building. The parking area is

accessed off of Clinton Avenue South.

ACCESS AND CIRCULATION

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

PLANNING DEPARTMENT RESPONSE

- This development conforms to the walkway and sidewalk requirements of the zoning code.
- There are no bus stops being proposed as part of this development.
- The applicant is asking for a variance to reduce the width of the drive aisle from the required 22 feet to a width ranging between 14 and 19 feet. The Minneapolis Public Works Department – Transportation Division has approved the proposed parking layout. Therefore, the development conforms with the zoning code and with the requirements of the Public Works Department in regard to vehicular access and circulation.
- The parking requirement for the development is 22 parking spaces. The applicant is providing a total of 22 parking stalls in one level of enclosed parking below the building. The parking area is accessed off of Clinton Avenue South.
- According to the applicant, once the project is complete approximately 22 percent of the site will be landscaped (please see the attached landscaping plan).

LANDSCAPING AND SCREENING

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).

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- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

PLANNING DEPARTMENT RESPONSE

- According to the applicant, once the project is complete approximately 22 percent of the site will be landscaped (please see the attached landscaping plan).
- The applicant is proposing to install a 4-foot high solid masonry and decorative metal fence around the perimeter of the outdoor garden area located on the east side of the property. The applicant is also proposing to install a 7-foot high solid masonry and translucent fence along the north interior property line. Please note that a 7-foot high fence would require a variance.

ADDITIONAL STANDARDS

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant**

features of historic buildings.

PLANNING DEPARTMENT RESPONSE

- A lighting plan was not submitted as part of this development.
- The parking requirement for the development is 22 parking spaces. The applicant is providing a total of 22 parking stalls in one level of enclosed parking below the building. The parking area is accessed off of Clinton Avenue South.
- The development should not block views of important elements within the city.
- The development should have minimal light and air effects on the surrounding area.
- This development should have minimal wind effects on the surrounding area.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To ensure the welfare of the residents of the development and the residents of the area the Crime Prevention Specialist asked that there be lights installed near all building entrances and exits and that there be lights on the under side of the bridge as well.
- This site is neither historic nor located in a historic district. However, it should be noted that this site is located across the street from the Steven's Square Historic District.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE

With the approval of the conditional use permit, the driveway width variance, the 3 setback variances, the lot coverage variance, site plan review and the alley vacation this development will meet the requirements of the OR3 zoning district.

THE MINNEAPOLIS PLAN

This site is located in a medium and high-density residential area. The site is located one block north of Franklin Avenue, which in this area of the city, is designated as a community corridor.

In the City Form chapter found in *The Minneapolis Plan*, Policy 9.5 states that “Minneapolis will support the development of residential dwellings of appropriate form and density.”

In the City Form chapter found in *The Minneapolis Plan*, Policy 9.8 states that “Minneapolis will maintain and strengthen the character of the city’s various residential areas.”

In the City Form chapter found in *The Minneapolis Plan*, Policy 9.10 states that “Minneapolis will support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character.”

In the City Form chapter found in *The Minneapolis Plan*, Policy 9.16 states that “Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.”

In the City Form chapter found in *The Minneapolis Plan*, Policy 9.17 states that “Minneapolis will build on recent initiatives to use Crime Prevention Through Environmental Design (CPTED) principles when

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designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land.”

In the City Form chapter found in *The Minneapolis Plan*, Policy 9.18 states that “Minneapolis will establish land use regulations, in order to achieve the highest possible development standards, enhance the environment and otherwise carry out the comprehensive plan.”

This building was designed to replicate other buildings throughout the neighborhood. The dominant building type in the neighborhood are three-and-a-half story brick buildings located close to the property lines. This development is proposed to be a four-story building. The exterior materials being used on the building include rock-face masonry along the base and a combination of brick and hardi-panel siding on the upper four floors. There are entrances and exits at street level and there are large windows on all levels of the building.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

There are no small area plans adopted by the city for this particular location.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

PLANNING DEPARTMENT RESPONSE

- Alternative compliance is not warranted for this site.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a 22-unit condominium building located at 1725 3rd Avenue South and 1728 Clinton Avenue South subject to the following conditions::

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1. The solid masonry and translucent fence located along the north interior property line shall be no taller than 6 feet.
2. The Planning Department shall approve the final site and elevation plans.
3. The landscaping plan shall be reviewed and approved by the City's Landscaping Consultant.
4. The Planning Department shall approve the final lighting plan.
5. The applicant shall obtain an encroachment permit from the Public Works Department for any work done in the right-of-way.
6. All site improvements shall be completed by June 1, 2004, or the permit may be revoked for non-compliance.
7. The applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before building permits are issued, or the permit may be revoked for non-compliance.

VACATION (Vac1402) – vacate the “L” shaped alley in Block 12, Jackson, Daniels & Whitney's Addition, bounded by East 17th Street, East 18th Street and Clinton Avenue South, Minneapolis, MN.

Development Plan: The site plan for the development is attached.

Responses from Utilities and Affected Property Owners: Of the utilities that have responded Xcel Energy and Qwest have requested easements.

Findings: The Public Works Department finds that the area proposed for vacation is needed for public purpose as there are three other properties adjacent to the alley that utilize it. The Public Works Department has recommended that this vacation be denied unless all abutting property owners and the Minnesota Department of Transportation consent to the vacation. The applicant has obtained consents from two of the three adjacent property owners and the Minnesota Department of Transportation.

Although the Public Works Department is recommending that the vacation be denied, the Planning Department is recommending approval. The applicant has indicated that the alley will be owned and maintained by the proposed condominium association and that it will function as if it were still a public alley. The adjacent property owners will be able to utilize the alley to access their properties. It should be noted that in order to provide below ground parking the alley would need to be vacated, even if the applicant did not build over the alley. Not approving the alley vacation would, in effect, deny the entire application.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

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The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the street vacation for the “L” shaped alley in Block 12, Jackson, Daniels & Whitney’s Addition, bounded by East 17th Street, East 18th Street and Clinton Avenue South, Minneapolis, MN subject to the retention of easements by Xcel Energy and Qwest.